

PATRICIA A. REEVES,)	
)	
Plaintiff,)	
vs.)	Case No.: 2:13-cv-00139-GMN-PAL
)	
MICHAEL J. ASTRUE, COMMISSIONER OF)	ORDER
SOCIAL SECURITY ADMINISTRATION,)	
)	
Defendant.)	
)	

I. BACKGROUND

Plaintiff filed concurrent claims for SSD and SSI benefits on November 3, 2009, alleging she became disabled on December 26, 2006. (Report & Recommendation 1:16–18, ECF No. 26). The claims were denied initially and upon reconsideration. (*Id.* 1:18–20). A hearing before an Administrative Law Judge (“ALJ”) was held on September 21, 2011. (*Id.* 1:19–20). On

1 October 5, 2011, the ALJ issued an unfavorable decision, finding that Plaintiff was not disabled.
2 (*Id.* 1:20–21). Plaintiff timely requested Appeals Council review of the ALJ’S decision, which
3 was denied on October 31, 2012. (*Id.* 1:21–23).

4 This action was referred to the United States Magistrate Judge pursuant to 28 U.S.C.
5 § 636(b)(1)(B) and District of Nevada Local Rule IB 1-4. In her Report and Recommendation,
6 Judge Leen recommended that this Court enter an order granting the Cross-Motion to Affirm
7 (ECF No. 20) and denying the Motion for Remand (ECF No. 14). (ECF No. 26).

8 **II. LEGAL STANDARD**

9 A party may file specific written objections to the findings and recommendations of a
10 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);
11 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo*
12 determination of those portions of the Report to which objections are made. *Id.* The Court may
13 accept, reject, or modify, in whole or in part, the findings or recommendations made by the
14 Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b).

15 **III. DISCUSSION**

16 This court may set aside the Social Security Administration Commissioner’s denial of
17 disability benefits only when the findings of the ALJ are based on legal error or are not
18 supported by substantial evidence in the record as a whole. Social Security Act, Sections 216(i),
19 223, 42 U.S.C. §§ 416(i) and 423; *Bustamante v. Massanari*, 262 F.3d 949, 953 (9th Cir. 2001).
20 “Substantial evidence means such relevant evidence as a reasonable mind might accept as
21 adequate to support a conclusion.” *Burch v. Barnhart*, 400 F.3d 676, 679 (9th Cir. 2005)
22 (internal quotation marks omitted). “Where evidence is susceptible to more than one rational
23 interpretation, it is the ALJ’s conclusion that must be upheld.” *Id.*

24 Here, Judge Leen found that substantial evidence supports the finding that the evidence
25 submitted upon appeal of the ALJ’s decision was properly considered, and that the ALJ properly

1 assessed Plaintiff's credibility. (ECF No. 26). Having reviewed Plaintiff's objections *de novo*,
2 the Court finds no basis on which to reject Judge Leen's findings and recommendations.

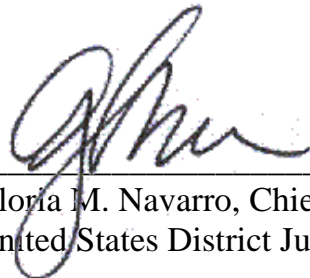
3 **IV. CONCLUSION**

4 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 26) be
5 **ACCEPTED** and **ADOPTED** in full, to the extent that it is not inconsistent with this Order.

6 **IT IS FURTHER ORDERED** that Defendant's Cross-Motion to Affirm (ECF No. 20)
7 is **GRANTED**.

8 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Remand (ECF No. 14) is
9 **DENIED**.

10 **DATED** this 6th day of October, 2014.

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14 Gloria M. Navarro, Chief Judge
United States District Judge
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